

Exhibit C

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

THE STATE OF LOUISIANA,
By and through its Attorney General, JEFF
LANDRY,

THE STATE OF MONTANA,
By and through its Attorney General, AUSTIN
KNUDSEN,

THE STATE OF ARIZONA,
By and through its Attorney General, Mark
Brnovich, et al.,

PLAINTIFFS,

v.

XAVIER BECERRA, in his official capacity as
Secretary of Health and Human Services; et al.,

DEFENDANTS.

CIVIL ACTION NO. _____

DECLARATION OF
STEPHANIE MCGEE AZAR

I, Stephanie McGee Azar hereby declare:

Background and Experience

1. I make this declaration based on my personal and professional knowledge and experience, information available to me in my position in public service, and publicly available information.
2. I am the Commissioner for the Alabama Medicaid Agency (“the Agency”).
3. As the Commissioner of the Agency, I am responsible for the operations of the Agency and serve at the pleasure of the Governor. In this roll, I have been involved with the Agency’s response efforts to the COVID-19 pandemic. Among other things, one of my primary duties is to assess the ways the Agency’s actions will impact its financial health.

The Alabama Medicaid Agency

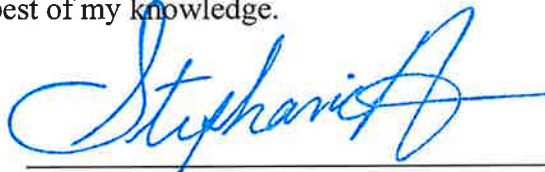
4. The Alabama Medicaid Agency is an agency of the State of Alabama and receives funding from the State.
5. The Agency is the state agency responsible for administering Alabama’s Medicaid program.
6. The Agency provides payment for nursing home, hospital, pharmaceutical, mental health, and other healthcare services, rendered to the approximately 1.2 million Alabamians enrolled in Medicaid. During the pandemic, the Agency has provided payment for healthcare services, including critical COVID-19 related services.
7. I have reviewed the CMS Vaccination Mandate (“the mandate”) and understand that the mandate requires certain Medicare and Medicaid providers and suppliers to, in turn, require their covered employees to be “fully vaccinated” by January 4, 2022.
8. As of November 10, 2021, the total number of providers for all of Alabama Medicaid’s programs is 34,086. 26,872 of these providers are in-state Alabama Medicaid providers.
9. All of Alabama Medicaid’s enrolled providers are screened by the Agency and its fiscal agent for compliance with federal and state policies. The Agency’s 29-person Program Integrity Unit provides retrospective reviews and audits of providers to ensure proper billing of claims and compliance with rules and regulations to prevent fraud and abuse. The Alabama Department of Public Health is the state’s primary surveying agency.

10. In Fiscal Year 2021, The Alabama Medicaid Agency received approximately \$5.94 billion from the federal government, representing approximately 77.5% of its total budget.

The Impact of the CMS Mandate on Alabama Medicaid Programs

11. It is my understanding less than half (45%) of Alabama's population is fully vaccinated with some counties in Alabama having vaccination rates well below this number. This means providers may lose significant percentages of their employees or could even drop out of the Medicaid program all together. Provider access is an extremely important aspect of administering the Medicaid program. The agency must ensure Medicaid patients in all parts of the state have access to Medicaid providers.
12. The CMS Mandate, therefore, forces the Agency's providers to choose between possible Civil Money Penalties and losing workers, and it will jeopardize the welfare of the Alabamians who depend upon its programs.
13. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge.

11/15/2021
Date



STEPHANIE MCGEE AZAR
Commissioner
Alabama Medicaid Agency